

FOLKLORE ARCHIVES: ETHICS AND THE LAW

On November 11, 1971, at the annual meeting of the American Folklore Society in Washington, D. C., Ellen J. Stekert chaired a panel titled "Ethics, Security, and Copyright: People, Archives, and the Law." Watergate-inspired paranoia has more recently underscored the timeliness of the topic. Ellen Stekert has submitted both her own edited introduction to the panel and transcriptions of the comments and discussion of the panel members and audience participants. Stekert's Introduction focuses on the problems explored by the panel: what ethics and laws govern the preservation and utilization of the materials we study? She singles out the folklore archivist as the one most likely to be charged with responsibility in the treatment of "sensitive" archive materials.

Copies of transcriptions were sent to panelists for editing and permission to publish. The panel originally included Ellen J. Stekert, Chairman, Philip P. Mason, William Ivey, Alan Jabbour, Frank J. Gillis, Edward D. Ives, D. K. Wilgus, and Bruce R. Buckley. Mason preferred that we delete his comments, and Ivey failed to respond to repeated requests for permission to publish. The comments that were returned vary nicely in style, some bearing a bit more polish, others bearing witness to their oral originals. We trust our readers will find delight in the variety and approve our untampering hand.

One additional note should be inserted here. As Alan Jabbour pointed out in a telephone conversation, panel participants were originally invited to present a brief description of the archives they represented before moving on to a more direct consideration of the problems presented in the Introduction. These instructions were followed faithfully by most of the participants, so the resulting introductory descriptions should not be seen as a reluctance to focus on the problems but rather as a willingness to set the stage. Hopefully publication of the panel material will encourage further discussion of the topic.

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Introduction

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Few folklorists today can ignore the problems inherent in the collecting, retaining, and utilizing of the materials that they study. Whether we like it or not we must recognize that many of our collections contain potential legal dynamite. This pertains to both our personal fieldwork and that which we may have supervised and possibly incorporated into an archive. Some of us have explicitly developed and donated such collections to the institutions for which we work, while others of us have regarded the supervised materials collected by the students in our classes as our own archives